

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ALAN GOLDMAN,

Plaintiff

v.

McCONNELL VALDÉS, LLC;  
ANTONIO A. ARIAS-LARCADA, his wife  
MARIA BEALE, and the Conjugal  
JOHN DOE; MARY DOE  
SOMPO INTERNATIONAL INSURANCE  
COMPANY; ENDURANCE AMERICAN  
SPECIALTY INSURANCE COMPANY;  
AIG INTERNATIONAL COMPANY-PUERTO RICO

Defendants

\* CIVIL NO.: 24cv01136

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**PLAINTIFF'S MOTION FOR LEAVE TO SUBSTITUTE DOCUMENT NUMBER  
133 WITH DOCUMENT NUMBER 135 *NUNC PRO TUNC***

TO THE HONORABLE COURT:

COMES NOW Plaintiff, Alan Goldman, by and through his undersigned counsel, and respectfully states and prays as follows:

**I. Procedural Posture**

- 1 On 7 May 2025, Plaintiff Goldman filed written objections to the Magistrate Judge's Report and Recommendation (hereinafter, "R&R") as Document Number 133. Subsequently, on May 9<sup>th</sup>, 2025, Plaintiff Goldman filed a revised version of the written objections as Document Number 135.

## **II. Purpose of the Instant Motion**

2. Plaintiff Goldman seeks leave of this Honorable Court to substitute Document Number 133 with Document Number 135, *Nunc Pro Tunc*, to ensure substantial compliance with the Local Rules of the United States District Court for the District of Puerto Rico, particularly concerning page limitations and formatting requirements.

## **III. Legal Basis for Substitution Nunc Pro Tunc**

3. The Court possesses inherent authority to permit filings *Nunc Pro Tunc* to correct clerical or procedural errors and to prevent manifest injustice. See *United States v. Morales*, 898 F.2d 99, 103 (9th Cir. 1990); *United States v. Robinson*, 361 U.S. 220, 229 (1960). The exercise of this authority is appropriate where the record reflects that the intended action would have been timely but for inadvertence or excusable neglect. Wherein Plaintiff Goldman is far within the time limits to propound written objection to the Magistrate Judge Order under FRCP Rule 72(a) and (b), giving parties 14 days from date of Order (R&R) to file written objections as form of appeal.

## **IV. Compliance with Local Rules**

4. While the Local Rules do not explicitly stipulate page limitations for objections to a Magistrate Judge's R&R, Local Rule 7(c) imposes a 25-page limit on memoranda of law unless leave is granted. In an abundance of caution and to promote judicial efficiency, Plaintiff has revised the objections to conform more closely with these standards.

### **V. Content of Revised Filing**

5. The revised objections in Document Number 135 present a more concise and structured argument, incorporating pertinent legal authorities and precedents to facilitate the Court's de novo review. This revision aims to enhance clarity and assist the Court in its deliberations.

### **VI.No Prejudice to Defendants**

6. Substituting the original filing with the revised version will not prejudice Defendants, as the substantive arguments remain consistent, and the revised document serves to streamline the issues for the Court's consideration.

WHEREFORE, Plaintiff Alan Goldman respectfully requests that this Honorable Court grant leave to substitute Document Number 133 with Document Number 135, *Nunc Pro Tunc*, deeming the revised objection as the operative filing.

RESPECTFULLY SUBMITTED.

In Miami, Florida, this 13<sup>th</sup> day of May 2025.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 13<sup>th</sup> day of May 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the counsel of record.

*s/Francisco M. López-Romo*  
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